

**REMARKS**

X Received  
10/21/04  
R. Chm

**A. Outstanding Action**

Claims 1-10 were indicated to contain allowable subject matter.

Claims 1-10 were rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

**B. Status Of Claims**

Claims 1-10 were pending in the reissue application and are now pending.

**C. Citation of Prior Art**

Applicant is enclosing a citation of prior art (Form PTO-892) for consideration by the examiner. Since the application was filed after June 30, 2003, copy of each of the references identified in the citation of prior art (Form PTO-892) is not enclosed.

**D. Submission Of Original United States Letters Patent**

Applicant is enclosing herewith the original United States Letters Patent No: 4,926,517 as required in the outstanding office action.

**E. Oath or Declaration**

The Declaration has been objected to as being defective because it fails to contain the statement required under 37 CFR 1.175(a)(1) as to applicant's belief that the original patent is wholly or partly inoperative or invalid by reason of (1) a defective specification (or drawing) or (2) by reason of the patentee claiming more (or less) than the patentee had a right to claim in the patent. Further-

more, the Declaration has been objected to as being defective because it fails to contain a statement that all errors being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant

Applicant is enclosing a new Declaration to overcome this rejection.

F. Claims 1-10

Claims 1-10 were indicated to contain allowable subject matter. Claims 1-10 were rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251.

Applicant is enclosing a new Declaration to overcome this rejection under 35 U.S.C. 251.

Applicant verily believes new Declaration to overcome this rejection under 35 U.S.C. 251 and claims 1-10 stand in condition for allowance

G. Precautionary Request for an Extension of Time

In the event the present filing is not timely filed, applicant request an Extension of Time for an appropriate period of time. Please charge Deposit Account No. 06-2120 for the fees for any extension of Time.

H. Additional Fees

Please charge Deposit Account No. 06-2120 for the fees for any additional claims, an Extension of Time, Citation of Prior Art, Petitions, Terminal Disclaimers or any other fee arising out of this correspondence.

Applicant verily believes that all claims are now in condition for allowance and favorable action is respectfully requested. The undersigned attorney of record cordially invites any telephonic communications from the examiner that may assist the examiner in the examination and to expedite the

allowance and issuance of Letters Patent on the subject invention.

Respectfully submitted,

FRIJOUF, RUST & PYLE, P.A.

  
Robert F. Frijouf, Reg. No. 26,546  
201 East Davis Blvd Boulevard  
Tampa, Florida 33606  
813.254.5100 phone  
813.254.5400 facsimile  
[frijouf@frijouf.com](mailto:frijouf@frijouf.com) email  
Attorneys for Applicant

Deposit Account

Please charge our account any deficiency in fees or credit any over payment arising out of this correspondence to Deposit Account No. 06-2120.

